

REMARKS

The present Amendment amends claims 13 and 14 and leaves claims 15-24 unchanged. Therefore, the present application has pending claims 13-24.

In the Office Action the Examiner again use the very same references and the very same arguments to reject the claims as previously set forth by the Examiner in the February 28, 2003 Office Action. Thus, it would appear that the Examiner did not fully review the references in light of the numerous amendments made to the claims by the July 10, 2003 Amendment which responded to the February 28, 2003 Office Action. Therefore, the Examiner is strongly urged to contact Applicants' Attorney by telephone prior to examination of the present application based on the present Amendment so that an interview may be schedule to discuss the outstanding issues of the present application. It is submitted that such an interview should aid in expediting the prosecution of the present application.

In the Office Action the Examiner again rejected claims 13-24 under 35 USC §103(a) as being unpatentable over Sasou (JP No. 59-105155), Yajima (JP No. 64-044520) and Hollowell (U.S. Patent No. 5,590,061). This rejection is traversed for the following reasons. Applicants submit that the features of the present invention as now recited in claims 13-24 are not taught or suggested by Sasou, Yajima or Hollowell whether taken individually or in combination with each other as suggested by the Examiner.

It is noted that the Examiner uses the very same arguments and references, namely, Sasou and Yajima to reject the claims of the present application under 35 USC §103(a). Apparently, the Examiner recognized the deficiencies of this rejection

and adds a further reference Hollowell. Arguments distinguishing the features of the present invention from Sasou and Yajima were provided in the Remarks of the July 10, 2003 Amendment. These Remarks are incorporated herein by reference.

To further emphasize the differences between the features of the present invention and the references of record, amendments were made to the claims so as to clarify that according to the present invention the power unit includes a first power supply unit which supplies power to the device and a second power supply unit which supplies power to the second means for controlling the device. Further, amendments were made to the claims so as to clarify that according to the present invention the second means, upon converting the instruction into the power unit control signal, transmits the power unit control signal to the first power supply unit to perform on and off control of the device. These features of the present invention are discussed, for example, on page 7, lines 2-11 and on page 12, line 17 through page 13, line 12 of the present application.

The above described features of the present invention are clearly not taught or suggested by Sasou, Yajima or Hollowell whether taken individually or in combination with each other as suggested by the Examiner.

Submitted as part of the July 10, 2003 Amendment were full English language translations of the Sasou and Yajima references. Applicants note that based on the comments made by the Examiner in the outstanding Office Action, it appears the Examiner has not reviewed the full English translations. In fact, the Examiner seems to make statements which are completely contradictory to the express teachings in the full English translations. The Examiner seems to merely rely upon the Abstracts

of the each of the references which are not complete. Again, the Examiner is strongly urged to contact Applicants' Attorney by telephone so as to schedule an interview to discuss the outstanding issues of the present application.

Applicants submit that the features of the present invention are not taught or suggested by Sasou, Yajima and Hollowell whether taken individually or in combination with each other.

Sasou as argued in the Remarks of the July 10, 2003 Amendment teaches apparatus which executes diagnostics of a data processor 10 from a remote maintenance center 32 via a remote maintenance controller part 300. As per Sasou, the remote maintenance controlling part 30 selectively connects the normal operation circuit controlling part 12, or its own circuit controller, to the modem 14 or the network controlling unit 16 depending on whether a failure has occurred.

Thus, based on the teachings in Sasou it is quite clear that Sasou fails to teach or suggest that a power unit, which supplies to the device, is controlled by an element which responds to an instruction from a remote apparatus through a network as recited in the claims. Further, there is no teaching or suggestion in Sasou that an instruction provided from the remote apparatus to the device being managed via the network includes information which indicates whether to turn on or off power supply to the device as recited in the claims. Still further, there is no teaching or suggestion in Sasou that the ability of the element which controls the power unit is maintained by continuously supplying power to the element as recited in the claims.

Even beyond the above, Sasou fails to teach or suggest the additional features now more clearly recited in the claims. Particularly, Sasou does not teach or suggest that the power unit includes a first power supply unit which supplies power to the device and a second power supply unit which supplies power to the second means for controlling the device. In addition, Sasou fails to teach or suggest that the second means, upon converting the instruction into the power unit control signal, transmits the power unit control signal to the first power supply unit to perform on and off control of the device as recited in the claims.

Therefore, Sasou fails to teach or suggest a device having a power unit which supplies power to the device and first means for accepting an instruction for controlling the unit from a managing computer via a network, wherein the instruction includes information indicating whether to turn on or off power supplied by the power unit to the device as recited in the claims.

Further, Sasou fails to teach or suggest a device having second means for converting the instruction into a power unit control signal so that the second means controls the power unit based on the power unit control signal as recited in the claims.

Still further, Sasou fails to teach or suggest that the power unit continuously supplies power to the second means as recited in the claims.

Still further yet, Sasou fails to teach or suggest that the power unit includes a first power supply unit which supplies power to the device and a second power supply unit which supplies power to the second means for controlling the device as recited in the claims.

Even further still, Sasou fails to teach or suggest that the second means, upon converting the instruction into the power unit control signal, transmits the power unit control signal to the first power supply unit to perform on and off control of the device as recited in the claims.

The above noted deficiencies of Sasou are not supplied by Yajima or Hollowell. Therefore, combining the teachings of Sasou, Yajima and Hollowell in the manner suggested by the Examiner still fails to teach or suggest the features of the present invention as now more clearly recited in the claims.

Yajima teaches an automatic operation controller 10 for causing power to be supplied to a computer system 20 at a reversed timing based on an interruption generated from a timer part 15 to a microprocessor 11 forming part of the automatic operation controller 10. As taught by Yajima, power is caused to be supplied to respective apparatuses constituting the computer system 20 in response to a signal from the power supply control part 17 which responds to an indication from the microprocessor 11. As taught by Yajima, once the signal from the power supply control part 17 is output from the automatic controller 10 to the computer system, a start command is supplied from the microprocessor 11 to the computer system 20 through a system starting part 14, thereby attempting to start operation of the computer system 20. If the computer system 20 is not started after a set time, then the start command is output again from the automatic operation controller 10.

Thus, as is quite clear from the above, Yajima simply teaches that the computer system 20 receives a signal from the power supply control part 17 of the

automatic controller 10 wherein the signal has been generated based on a timing signal indicating a reserve time as measured by a timer part 15.

The present invention as recited in the claims differs substantially from that taught by Yajima being that according to the present invention the device to be managed includes a power unit which supplies power to the device and first and second means. Further, according to the present invention, the power unit includes first and second power supply units wherein the first power supply unit supplies to power to the device and the second power supply unit supplies power to the second means for controlling the device. Also, according to the present invention, the second means, upon converting the instruction into the power unit control signal, transmits the power unit control signal to the first power supply unit to perform on and off control of the device. Yajima does not provide any teaching of the internal structure of the computer system 20 which corresponds to the device to be managed as per the present invention. According to the present invention, the device to be managed includes first means which accepts an instruction for controlling the power unit and the instruction includes information indicating whether to turn on or off power supplied by the power unit and the second means which converts the instruction and controls the power unit. Thus, as per the present invention, the device being controlled includes the power unit and the first and second power supply unit and the first and second means. As taught by Yajima the computer system 20 being controlled simply responds to the apparatus performing the managing function according to the managing computer (automatic operation

controller) 10. Yajima does not describe the internal structure of the computer 20 except to say that includes a power unit.

Further, there is no teaching or suggestion in Yajima that the computer system 20 which is the device being managed, includes second means which converts the signal provided by the power supply control part 17 into a power unit control signal for controlling the power to thereby control power supplied to the computer system 20 as in the present invention. Further, there is no teaching of suggestion in Yajima that power is continuously supplied to the second means which controls the power unit as in the present invention.

Therefore, Yajima fails to teach or suggest a device having a power unit which supplies power to the device and first means for accepting an instruction for controlling the power from a managing computer via a network, wherein the instruction includes information indicating whether to turn on or off power supplied by the power unit to the device as recited in the claims.

Further, Yajima fails to teach or suggest second means for converting the instruction into a power unit control signal, wherein the second means controls the power unit based on the power unit control signal as recited in the claims.

Still further, Yajima fails to teach or suggest that the power unit continuously supplies power to the second means as recited in the claims.

Still further yet, Yajima fails to teach or suggest that the power unit includes a first power supplies unit which supplies power to the device and a second power supply unit which supplies power to the second means for controlling the device as recited in the claims.

Even further still, Yajima fails to suggest that the second means, upon converting the instruction into the power unit control signal, transmits the power unit control signal to the first power supply to perform on an off control of the device as recited in the claims.

The above noted deficiencies of Yajima can also be found in Hollowell. Hollowell teaches a power management system which includes a power supply that supplies power to each portion of a computer system (attention is directed to col. 4, line 59 et. seq.), a bus controller 140 that operates by the same power supply as the main processor 103 and issues an instruction (power signal) to a switch 153 controlling the power supply of the main processor (attention is directed to col. 9, lines 3-10 and lines 17-27).

The present invention as recited in the claims differs substantially from that taught by Hollowell being that the present invention provides a specific solution, namely that the power supply continuously supplies power to the second means so that the second means can perform the important function of converting an instruction into a power unit control and transmitting the power unit control signal to the first power supply unit so as to perform on and off control of the device. Thus, according to the present invention the power unit provides unique advantages over that taught by Hollowell being that the first power supply unit supplies power to the device and the second power supply unit supplies power to the second means for controlling the device. In Hollowell, the bus controller 140, switch 153 and the main processor 103 all use the same power supply and therefore cannot operate in the manner as clearly recited in the claims. Hollowell cannot achieve power

management across a distributed system which is distributed across a network as in the present invention now more clearly recited in the claims.

Therefore, Hollowell fails to teach or suggest a device having a power unit which supplies power to the device and first means for accepting an instruction for controlling the power unit from a managing computer via a network, wherein the instruction includes information indicating whether to turn on or off supplied by the power unit to the device as recited in the claims.

Further, Hollowell fails to teach or suggest second means for converting the instruction into a power unit control signal, wherein the second means controls the power unit based on the power control signal as recited in the claims.

Still further, Hollowell fails to teach or suggest that the power unit continuously supplies power to the second means as recited in the claims.

Still further yet, Hollowell fails to teach or suggest that the power unit includes a first power supply unit which supplies power to the device and a second supply unit which supplies power to the second means for controlling the device as recited in the claims.

Even further, Hollowell fails to teach or suggest that the second means, upon converting the instruction into the power unit control signal, transmits the power unit control signal to the first power supply unit to perform on and off control of the device as recited in the claims.

Thus, as is quite from the above, both Yajima and Hollowell each suffers from the same deficiencies relative to the features of the present invention as now more clearly recited in the claims as Sasou. Therefore, combining the teachings of Sasou

with one or more of Yajima and Hollowell in the manner suggested by the Examiner in the Office Action still fails to teach or suggest the features of the present invention as now more clearly recited in the claims.

Accordingly, reconsideration and withdrawal of the 35 USC §103(a) rejection of claims 13-24 as being unpatentable over Sasou, Yajima and Hollowell is respectfully requested.

The remaining references of record have been studied. Applicants submit that they do not supply any of the deficiencies noted above with respect to the references utilized in the rejection of claims 13-24.

In view of the foregoing amendments and remarks, Applicants submit that claims 13-24 are in condition for allowance. Accordingly, early allowance of claims 13-24 is respectfully requested.

To the extent necessary, the applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of Antonelli, Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (500.34601CC3).

Respectfully submitted,

ANTONELLI, TERRY, STOUT & KRAUS, LLP



Carl I. Brundidge
Registration No. 29,621

CIB/jdc
(703) 312-6600